

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

In re: ASSYRIAN NATIONAL
COUNCIL OF ILLINOIS

)
)

OEIG Case # 10-00259

OEIG FINAL REPORT (REDACTED)

Below is a final summary report from an Executive Inspector General. The General Assembly has directed the Executive Ethics Commission ("Commission") to redact information from this report that may reveal the identity of witnesses, complainants or informants and "any other information it believes should not be made public." 5 ILCS 430/20-52(b).

The Commission exercises this responsibility with great caution and with the goal of balancing the sometimes competing interests of increasing transparency and operating with fairness to the accused. In order to balance these interests, the Commission may redact certain information contained in this report. The redactions are made with the understanding that the subject or subjects of the investigation have had no opportunity to rebut the report's factual allegations or legal conclusions before the Commission.

The Commission received a final report from the Governor's Office of Executive Inspector General ("OEIG") and a response from the agency in this matter. The Commission redacted the final report and mailed copies of the redacted version and responses to the Attorney General and the Governor's Executive Inspector General.

These recipients were given fifteen days to offer suggestions for redaction or provide a response to be made public with the report. Certain information contained in the proposed public response may have been redacted in accordance with the Commission's determination that it should not be made public. The Commission, having reviewed all suggestions received, makes this document available pursuant to 5 ILCS 430/20-52.

FINAL REPORT

I. ALLEGATIONS

The Office of Executive Inspector General (OEIG) received a complaint alleging that an Illinois Department on Aging Service Provider, the Assyrian National Council of Illinois (ANCI), and ANCI's In-Home Care Aides (Aides), fraudulently billed the State for unperformed services. Specifically, the complainant alleged that ANCI Aide Stella David (Ms. David), received payments for services not rendered. The complainant also contended that ANCI clients were not entitled to In-Home Care services and collaborated with Ms. David in a fraudulent scheme to obtain Illinois Department on Aging funds.

The complainant also alleged that ANCI submitted falsified timesheets¹ to the Illinois Department on Aging for services allegedly provided by Aide Amal Hamad. Specifically, the complainant alleged that in June 2009, Amal Hamad and ANCI defrauded the State by submitting a false timesheet for services not rendered.²

II. BACKGROUND

A. *The Aging Community Care Program*

1. The Illinois Department on Aging Community Care Program

The Illinois Department on Aging's Community Care Program "helps senior citizens, who might otherwise need nursing home care, to remain in their own homes by providing In-Home and community-based services."³ Senior citizens seeking to participate in the Community Care Program must demonstrate a need for long-term care.

2. The Assyrian National Council of Illinois's Participation in the Aging Community Care Program

The Assyrian National Council of Illinois (ANCI) is a non-profit organization that offers a wide variety of services and programs to the Assyrian community. To facilitate one type of these services, ANCI is a Community Care Program Service Provider that provides In-Home Care services to eligible clients, including but not limited to, assistance with meals, housekeeping, shopping, and home maintenance. During this investigation, ANCI's Director was Isho Lilou. The OEIG also interviewed ANCI Supervisor and Case Manager Fiuna Hawel. ANCI is located in Chicago.

In addition, ANCI has a branch organization⁴ that employs In-Home Care Aides on behalf of ANCI. Specifically, Sanad hires In-Home Care Aides to provide In-Home Care services to eligible clients, on behalf of ANCI. Sanad employees are considered ANCI employees. ANCI processes timesheets and pays Sanad employees for the services they provide. Sanad is located in a separate facility from ANCI.

According to Illinois State Comptroller Office records, ANCI received the following in State funds:

Fiscal Year	Amount
FY 2010	\$11,300,667.82
FY 2011	\$10,215,564.47

¹ Timesheets are also referred to as "Hours of Service Calendars."

² The Illinois Department on Aging investigated this allegation. As a result, ANCI was required to reimburse the State for payments received, and did reimburse the State.

³ <http://www.state.il.us/aging/1athome/ccp.htm>.

⁴ This branch organization is Sanad. Other witnesses referred to Sanad as "part" of ANCI and as an "affiliated organization" to ANCI.

B. The Role of a Case Coordination Unit

The Illinois Department on Aging contracts with Case Coordination Units to administer the Community Care Program, by geographic region.⁵ Case Coordination Units are responsible for assessing senior citizens' level of need, and if necessary, developing "Plans of Care" (Care Plans) and arranging In-Home Care services for approved senior citizen clients.⁶

C. Responsibilities of In-Home Care Service Providers

In collaboration with their Case Coordination Units, clients select Service Providers, from a list of Service Providers authorized by the Illinois Department on Aging, to provide them with In-Home Care services.⁷ Service Providers hire homecare staff members (also referred to as Aides) to provide In-Home Care services to senior citizen clients, in accordance with their Care Plans.⁸ Clients also have the option of selecting a specific Aide, or recommending an individual for the Service Provider to hire as the client's Aide.⁹

D. Illinois Department on Aging Community Care Program – Records

1. Vendor Requests for Payment and Record Retention

In order for Service Providers to receive payment (reimbursement) for In-Home Care services rendered, Service Providers are required to electronically submit "Vendor Requests for Payment" to the Illinois Department on Aging. The Vendor Requests for Payment are submitted on a monthly basis. The Vendor Request for Payment is a request for reimbursement from the State for services rendered during the prior month.¹⁰ Each Vendor Request for Payment requires Service Providers to:

state the number of units of service provided to each individual client during the service month.

Id. (Emphasis added). To support its request for reimbursement, the Service Provider is also required to maintain records of:

billing and payment information, plus the underlying documentation to support the units of service submitted to the Department [on Aging] for reimbursement.

Id. at (p)(1)(C)(iv). (Emphasis added). Finally, the Illinois Department on Aging Community Care Program "Provider Agreement for In-Home Service" also requires Service Providers to maintain adequate records and supporting documents to substantiate the amount and use of all funds disbursed by the Illinois Department on Aging. ANCI Director Isho Lilou signed the

⁵ See Ill. Admin. Code tit. 89, § 240.1400(a).

⁶ See Ill. Admin. Code tit. 89, §§ 240.260, 240.730, 240.740, and 240.1420(c) and (h).

⁷ See Ill. Admin. Code tit. 89, §§ 240.330 and 240.1420(d) and (h).

⁸ *Id.* at § 240.1520(f) and (g).

⁹ *Id.* at § 240.1530(i).

¹⁰ *Id.* at § 240.1520(j).

“Illinois Department on Aging Community Care Program Provider Agreement for In-Home Service,” as ANCI’s “Authorized Representative,” agreeing that ANCI would abide by the terms outlined therein.

2. In-Home Care Aide and Supervisor Responsibilities and Record Retention

In-Home Care Aides are hired to provide In-Home Care services to senior citizen clients, based on client Care Plans and directions from Aide supervisors.¹¹ Aides also have a duty to “maintain [] records of daily activities, observations, and direct hours of service....” *Id.*

The Illinois Administrative Code requires Aide supervisors to review Aide timesheets and coordinate Aides’ activities with other components of their clients’ Care Plans.¹²

3. ANCI Timesheets, Certifications, and Homemaker Agreement

a. Timesheets and Related Certifications

ANCI requires its In-Home Care Aides to record their work hours on ANCI timesheets. The top portion of the ANCI timesheets have a place for the participant’s¹³ name, Homecare Aide,¹⁴ the month/year, and the number of authorized units per week and month. The ANCI timesheets then contain a calendar where Aides are to record the hours worked on a particular day. The calendar also contains a box where the total number of hours worked in the month are to be recorded. Below the calendar, ANCI timesheets contain the following verification and certifications:

I verify that I received the units of service as specified above

Signature of Participant

Date

I certify that I provided the service as specified above

Signature of Homecare Aide

Date

I certify that service was provided as specified

Signature of Supervisor

Date

ANCI submits bills in the form of Vendor Requests for Payment, to the Illinois Department on Aging. The requests for payment seek funds equal to the number of service hours recorded on the ANCI timesheets.

b. ANCI’s Homemaker Agreement

ANCI Aides are required to follow ANCI’s “Homemakers [H]iring Policy Agreement” (Homemaker Agreement). The Homemaker Agreement outlines ANCI’s policies and provides general guidelines for its Aides to follow.

¹¹ See Ill. Admin. Code tit. 89, § 240.1535(b)(1).

¹² See Ill. Admin. Code tit. 89, § 240.1535(a)(1).

¹³ The participant is the same as a client. These terms are used interchangeably on the timesheets.

¹⁴ The Homecare Aide is the same as an In-Home Care Aide. Also identified as a “worker” on some timesheets.

Among other things, the Homemaker Agreement states that Aides must meet all Illinois Department on Aging rules, including the “accurate reporting of hours.” In addition, the Homemaker Agreement mandates that Aides only provide client services Monday through Friday, between 8:00 a.m. and 5:00 p.m., even though some of ANCI’s clients may require care after 5:00 p.m. On December 16, 2002, Ms. David and ANCI signed ANCI’s Homemaker Agreement.

III. INVESTIGATION

A. Case Coordination Unit – Catholic Charities Assesses [the clients]

1. Catholic Charities Approves [the clients] for Services

In December 2002, Catholic Charities, a Case Coordination Unit, approved In-Home Care services for [two clients].

2. Catholic Charities Assesses [the clients’] Need for Services

Catholic Charities has assessed the level of need for [two clients] and determined that they required increasing assistance with daily living activities. Catholic Charities reported its findings in “Case Assessment Reports,” which the OEIG reviewed. According to Case Assessment Reports, since at least October 2009, [client 2] was authorized to receive up to 60 hours of service per month (or an average of up to 12 hours per week) and [client 1] was authorized to receive 45 hours per month (or an average of up to 9 hours per week).

Catholic Charities specifically identified the type of assistance [both clients] required in “Care Plans,” as well as the number of hours for which they needed assistance. The Care Plans reflected that [both clients] required assistance several days per week.

B. In-Home Care Service Provider – ANCI’s Timekeeping Records

1. [Both clients] Select Stella David as their Aide

In 2003, [both clients] selected Stella David, [identifying information redacted], to serve as their In-Home Care Aide. From 2003 through at least December 2010, Ms. David reported caring for [both clients], as an employee of ANCI.

2. ANCI’s Timekeeping Records

During this investigation, the OEIG obtained and reviewed sample copies of ANCI’s Aide timekeeping documents for the period of January 2008 to June 2010.

C. In-Home Care Aide – Stella David’s Timekeeping Documents

The OEIG determined that between January 2008 and June 2010, when Ms. David was providing In-Home Care for [both clients], she was also employed as a full-time teacher's assistant at St. Margaret Mary School (St. Margaret Mary).

The OEIG compared Ms. David's timesheets from St. Margaret Mary with timesheets Ms. David submitted to ANCI during the same time (January 2008 and June 2010). Each month, Ms. David submitted two timesheets to ANCI, one for services provided to [client 2] and one for services provided to [client 1] (for a total of 36 ANCI timesheets between January 2008 and June 2010). A comparison revealed that the dates and times Ms. David reported to have provided services to [both clients] overlapped with dates and times Ms. David was reportedly at work at St. Margaret Mary. The St. Margaret Mary documents reflected that Ms. David generally worked Monday through Friday, 8:30 a.m. to 3:00 p.m.

However, during the same period, ANCI timesheets reflected that Ms. David worked the following days and times for either [client 2] or [client 1]:

Table 1
ANCI Timesheet Hours

Monday(s):	1:00 p.m. to 5:00 p.m.
Tuesday(s):	2:00 p.m. to 5:00 p.m.
Wednesday(s):	8:00 a.m. to 12:00 p.m. & 2:00 p.m. to 5:00 p.m.
Thursday(s):	2:00 p.m. to 5:00 p.m.
Friday(s):	1:00 p.m. to 5:00 p.m.

Between January 2008 and June 2010, Ms. David signed 36 ANCI timesheets, each with a certification that she had "provided the service as specified above." [The clients] signed the timesheets as well, verifying that they received "the units of service as specified above," and an ANCI supervisor signed each timesheet similarly "certify[ing] that service was provided as specified." ANCI subsequently submitted 36 Vendor Requests for Payment to the Illinois Department on Aging, requesting reimbursement for services Ms. David claimed to have provided based on the 36 timesheets.

Between January 2008 and June 2010, Illinois Department on Aging Client Payment records reveal that ANCI was paid approximately \$17,909.00 for the care Ms. David provided to [client 2] and \$17,819.70 for the care Ms. David provided to [client 1]. In total, ANCI received \$35,728.70 for the In-Home Care services Ms. David said she provided, per the timesheets and Vendor Requests for Payment.

D. Interview of Stella David Regarding her Aide Duties for the [clients]

On December 16, 2010, the OEIG interviewed ANCI Aide Stella David. Ms. David indicated that Fiuna Hawel (Ms. Hawel) was her ANCI supervisor. [Identifying information redacted].

Ms. David said that she was a teacher's assistant at St. Margaret Mary School and worked between 8:15 a.m. and 2:00 or 3:00 p.m. In light of her St. Margaret Mary work hours,

Ms. David said she never worked at [the clients'] home (providing In-Home Care services) during those hours. Ms. David also said that she told Ms. Hawel (her ANCI supervisor) at the time ANCI hired her, that she worked as a teacher's assistant and again mentioned to Ms. Hawel her teacher's assistant job in 2009 when Catholic Charities and ANCI reassessed [the clients'] eligibility for services.

Ms. David nevertheless said she provided services to [client 2] for at least 12 hours per week and to [client 1] for at least nine hours per week. Ms. David said she often worked additional hours, but did not record those hours on her timesheets.

Ms. David said she and [the clients] created her work schedule, which was as follows:

<u>Table 2</u>		
Stella David—Actual Hours		
Monday(s):	3:00 (or 4:00 p.m.) to 7:00 (or 8:00 p.m.)	[client 2]
Tuesday(s):	3:00 (or 3:30 p.m.) to 6:30 p.m.	[client 1]
Wednesday(s):	3:00 (or 3:30 p.m.) to 6:30 p.m.	[client 1]
Thursday(s):	3:00 (or 3:30 p.m.) to 6:30 p.m.	[client 1]
Friday(s):	3:00 (or 4:00 p.m.) to 7:00 (or 8:00 p.m.)	[client 2]
Saturday(s):	Late morning	[client 2]

An investigator showed Ms. David the timesheets she submitted to ANCI between January 2008 and June 2010. The timesheets reflected that she worked the hours set forth in Table 1 above. After reviewing the timesheets, Ms. David confirmed that hours she reported to have worked on the timesheets were inaccurate. In addition, Ms. David confirmed that she signed the timesheets knowing they were inaccurate. Ms. David, however, reiterated that she performed at least the number of service hours documented on the timesheets and stated that in October 2010, in light of the OEIG's investigation, and based on advice of counsel, she began to record the actual service hours worked on ANCI timesheets, including evenings and weekends.

Ms. David said that ANCI prohibited her from recording evening or weekend hours, even when she actually performed services during those times. Ms. David said ANCI required her to record that she had performed services Monday through Friday between 9:00 a.m. and 5:00 p.m. Ms. David denied accepting payment from ANCI for services not rendered. Ms. David also denied sharing her ANCI salary with either [client 2] or [client 1].

E. Interviews of Fiuna Hawel Regarding ANCI's Timekeeping Policy and Stella David

1. February 8, 2011 Interview

On February 8, 2011, investigators interviewed ANCI Supervisor Fiuna Hawel (Ms. Hawel). After an investigator asked Ms. Hawel what time Aides were permitted to provide clients services, Ms. Hawel replied that ANCI's office is open Monday through Friday from 8:00 a.m. to 5:00 p.m. Ms. Hawel then told investigators that:

- Aides develop a work schedule with clients (consistent with authorized hours).
- The Illinois Department on Aging allows Aides to work after hours (until 8:00 p.m., and Saturdays).
- She is ANCI's emergency after-hours Aide contact for Aides who need assistance.¹⁵
- Aides should record the actual times they work on their timesheets.
- She supervised Aide Ms. David.
- She never received a complaint about Ms. David's work from [the clients].
- She could not recall if Ms. David told her that she had another job when ANCI hired her,

Ms. Hawel did state, however, that a year or two prior to the February 8, 2011 OEIG interview, Ms. David informed her that she (Ms. David) worked part-time and asked her how to perform service hours. Ms. Hawel said that she responded by telling Ms. David to work the times the clients required services.

2. March 21, 2011 Interview

On March 21, 2011, investigators interviewed Ms. Hawel again. During this interview, Ms. Hawel informed them that ANCI:

- Has no written guidelines or policies on how Aides should complete their timesheets—rather, she provides oral instructions to Aides when they are hired.
- Directed Ms. David to record work hours that coincided with ANCI business hours.
- Tells clients that they must supervise their Aides and ensure timesheets are accurate.
- Does not verify with clients that Aides work the hours listed on their timesheets.
- Assumes Aides are providing adequate care unless a client calls and reports otherwise.
- Does not compare Aide timesheets with client Care Plans to see if services are provided at appropriate times.

In addition, Ms. Hawel also informed investigators that Aides:

- Are required to work Monday through Friday between 8:00 a.m. and 5:00 p.m.
- Never work on Sundays, and only work Saturdays for emergencies or if they have flexible schedules.
- Should record the actual times they perform services on their timesheets.

Ms. Hawel also informed investigators that she was aware Ms. David worked at a school and she believed [the clients] approved Ms. David's timesheets because Ms. David worked the number of hours recorded on the timesheet, not because Ms. David's timesheets were accurate.

Finally, Ms. Hawel informed investigators that ANCI is more concerned that the number of hours Aides record matches the number of hours authorized by the Illinois Department on Aging, not the actual times entered on timesheets.

¹⁵ The Illinois Department on Aging requires ANCI to have a supervisor on-call when services are provided outside normal business hours, in order to assist the Aide if there is an emergency with "the client's status, health, or welfare." Ill. Admin. Code tit. 89, § 240.1530(g).

F. Interviews of ANCI Director Isho Lilou Regarding ANCI's Timekeeping Policy, [the clients], and Stella David

1. October and December 2010 Interviews

On October 8 and December 16, 2010, investigators interviewed ANCI Director Isho Lilou (Director Lilou). In October 2010, Director Lilou said he believed Ms. David performed In-Home Care services for [the clients] during the dates and times reflected on her timesheets. Director Lilou said he was unaware if Ms. David had secondary employment.

In December 2010, Director Lilou said clients and their Aides establish work schedules, but that ANCI expects Aides to perform In-Home Care services between 8:00 a.m. and 5:00 p.m. Director Lilou said that ANCI instructs Aides to work the same hours each day they provide In-Home Care services, with only occasional deviations from the regular schedule. Director Lilou said that timesheets should reflect actual dates and time worked.

2. February and March 2011 Interviews

On February 8 and March 21, 2011, investigators re-interviewed Director Lilou. In February 2011, Director Lilou said that based upon a client's needs, ANCI allowed Aides to work *after* normal business hours or on Saturdays, but not Sundays. (Emphasis added). Director Lilou said Aides can contact Ms. Hawel for assistance after business hours, because she is on-call at all times. Director Lilou said the Aide and client establish the Aide's work schedule.

In March 2011, Director Lilou said Aides must work during ANCI's normal business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.), unless a client's Case Coordination Unit gives ANCI permission to offer flexible hours. During his March 2011 interview, an investigator asked Director Lilou why, in February 2011, he had told investigators that ANCI allowed Aides to work after normal business hours or on Saturdays. In response, Director Lilou said the Illinois Department on Aging changed its rules in late 2010 and allows Aides to work evenings and Saturdays. Director Lilou then provided investigators with a copy of a document from the Coalition of Limited English Speaking Elderly¹⁶ to support his assertion that the Illinois Department on Aging changed its rules in late 2010.

Investigators reviewed the document Director Lilou produced. The document revealed that service providers were required to comply with the Illinois Department on Aging rule changes, permitting Aides to work evenings and Saturdays, by May 3, 2009.

An investigator then showed Director Lilou a copy of ANCI's Homemaker Agreement ANCI Aide Amal Hamad signed on June 14, 2010¹⁷ (nearly one year after the rule change).¹⁸

¹⁶ The Coalition of Limited English Speaking Elderly is a consortium of ethnic organizations representing many ethnic groups, which acts as a liaison between the Illinois Department on Aging and ethnic service providers. <http://www.state.il.us/aging/1athome/clese.htm>

¹⁷ The Homemaker Agreement Ms. Hamad signed is identical to the one Ms. David signed on December 16, 2002.

¹⁸ See Ill. Admin. Code tit. 89, § 240.1530.

The ANCI Homemaker Agreement stated that Aides must only provide In-Home Care services Monday through Friday. After the investigator asked if ANCI amended its Homemaker Agreement to incorporate changes to the Illinois Department on Aging's rules, Director Lilou said he thought the new rules only applied to new Aides and clients. Thereafter, Director Lilou made the following statements:

- If ANCI clients, during periodic check-up phone calls or semi-annual home visits, inform ANCI that Aides adequately perform aide duties, he is not concerned whether Aides work the exact time documented on their timesheets.
- ANCI does not compare Aide timesheets with Care Plans to verify that Aides render services consistent with Care Plans.
- ANCI only verifies that Aides record consistent monthly hours and days of service.
- Aides are expected to record actual work time (even evening or weekend hours).
- ANCI would not know if an Aide deviated from a normal schedule unless the Aide recorded the actual times he or she worked.
- He would never tell Aides to record hours they did not work.

Finally, Director Lilou said that ANCI has no written guidelines or policies instructing Aides on how to complete timesheets. Rather, Aides receive oral instructions from ANCI upon hire.

G. Interview of Sanad Aide Amal Hamad Regarding her Timekeeping Practices

On September 2, 2010, the OEIG interviewed Sanad Aide Amal Hamad (Ms. Hamad). Sanad is a branch organization of ANCI. Ms. Hamad said that she last cared for [client 3] on June 30, 2009.

The OEIG investigator showed Ms. Hamad her June 2009 ANCI timesheet, which reflected that she worked for [client 3], Monday through Friday, from 9:00 a.m. to 1:30 p.m. Ms. Hamad confirmed that she worked for [client 3] for the total number of hours she recorded on her June 2009 ANCI timesheet.¹⁹ However, Ms. Hamad said that the times she recorded on the timesheet were inaccurate. Ms. Hamad said that during June 2009, she worked in the afternoons, at [client 3's] request. Ms. Hamad said that she had to record the hours she provided [client 3] as 9:00 a.m. to 1:30 p.m. in order to receive payment from ANCI, because those were her normally scheduled service hours. Ms. Hamad confirmed that she signed the June 2009 ANCI timesheet.

IV. ANALYSIS

A. Stella David and Amal Hamad Falsified their Aide Timesheets

The Illinois Administrative Code requires Aides to, "maintain [] records of ... direct hours of service."²⁰ ANCI's Homemaker Agreement states that Aides must meet all Illinois Department on Aging rules, including the "accurate reporting of hours." ANCI's timesheets

¹⁹ The Illinois Department on Aging ultimately recovered the money it paid to ANCI in June 2009 for Ms. Hamad's purported care of [client 3], totaling approximately \$1,500.00.

²⁰ Ill. Admin. Code tit. 89, § 240.1535(b)(1).

require Aides to “certify” that they provided services during the times identified on the document.

Stella David and Amal Hamad both said that their ANCI timesheets were inaccurate. They explained that they worked the total number of service hours, but not at the times recorded on the timesheets. Nevertheless, Ms. David and Ms. Hamad signed their timesheets, stating, “I certify that I provide the service as specified above.” Ms. David and Ms. Hamad did not provide services as recorded on their timesheets. Thus, the allegation that Ms. David and Ms. Hamad falsified timekeeping documents, in violation of the Illinois Administrative Code and ANCI’s Homemaker Agreement, is **FOUNDED**.

B. ANCI Submitted False Requests for Reimbursement

The Illinois Department on Aging Community Care Program Provider Agreement for In-Home Service (Provider Agreement) requires ANCI to maintain adequate records and supporting documents to substantiate the amount and use of all funds disbursed by the Illinois Department on Aging. Specifically, ANCI must maintain documentation to support the number of monthly service units provided to each client.²¹ In addition, Service Providers cannot bill the Illinois Department on Aging for more service hours than were provided.²²

The OEIG discovered that ANCI directed Ms. Hamad and Ms. David to falsify their timesheets. Ms. Hamad and Ms. David said ANCI required them to record consistent monthly hours and days of service, and to record hours that coincided with ANCI’s business hours, regardless of the times they actually worked. Ms. Hamad said ANCI required her to record her normally scheduled hours, even if the actual times she worked deviated from her normal schedule. Ms. Hamad said she did not think she would receive payment from ANCI if she did not record the same hours every day. In fact, Director Lilou confirmed that ANCI expected Aides to record consistent monthly hours and days of service.

Ms. David said that ANCI directed her to record service hours that occurred Monday through Friday, between 8:00 a.m. and 5:00 p.m., regardless of the times she actually worked. Ms. Hawel (Ms. David’s supervisor) confirmed that ANCI directed Ms. David to record service hours that coincided with ANCI’s business hours, *i.e.*, Monday through Friday, 8:00 a.m. to 5:00 p.m., even though Ms. Hawel knew Ms. David had a second job that prevented her from performing In-Home Care services during the dates and times reflected on her timesheets. Although Ms. Hawel did not explicitly say that she personally directed Ms. David to record inaccurate hours, Ms. Hawel identified herself as Ms. David’s supervisor, said she provided oral instructions to Aides when they were hired, and confirmed that ANCI directed Ms. David to record hours that she did not work.

Moreover, ANCI supervisors signed all of Ms. David’s (and Ms. Hamad’s) timesheets. According to Ms. Hawel and Director Lilou, nobody at ANCI verified that Aides actually worked the hours recorded on their timesheets. As a result, ANCI used unverified documents to calculate service hours and repeatedly submitted false billings for payment to the Illinois

²¹ Ill. Admin. Code tit. 89, § 240.1520(p)(1)(C)(iv).

²² Ill. Admin. Code tit. 89, §240.1320(c).

Department on Aging. Because Ms. David and Ms. Hamad admitted their timesheets contained false information, ANCI supervisors falsely certified to the Illinois Department on Aging that services were “provided as specified.”

Even more disturbing, Director Lilou and Ms. Hawel said that although ANCI required Aides to record on their timesheets the actual hours they worked, they were not concerned about whether the times recorded on the timesheets were accurate. The Illinois Administrative Code requires Aide supervisors to review timesheets.²³ The Illinois Administrative Code also imposes a duty on ANCI to ensure it only billed the Illinois Department on Aging for the actual number of service hours provided and to maintain adequate documentation to support those service hours. Statements by Director Lilou and Ms. Hawel reflect that neither of them took any steps to ensure that ANCI met those requirements. Consequently, ANCI consistently submitted false requests for payment to the Illinois Department on Aging.

There is no evidence that ANCI ever attempted to verify Ms. David’s timekeeping or ensure that she and other Aides worked hours that comported with their clients’ Care Plans. In fact, Director Lilou and Ms. Hawel both said that nobody verified that Aide activities corresponded to the Care Plans. Rather, ANCI’s timesheets were the only records ANCI had to support monthly billings. The witnesses said ANCI’s timesheets were inaccurate. As a result, ANCI did not and cannot verify that Ms. David even provided the services for which ANCI requested reimbursement from the Illinois Department on Aging. ANCI’s admitted failure to verify services rendered to clients is disturbing. As a large organization, ANCI receives over \$10,000,000 per year from the State to service numerous elderly clients who need assistance in order to continue residing in their homes. ANCI appears far more concerned about obtaining full payment from the State rather than ensuring elderly clients receive the In-Home Care services they need, as set forth in their Care Plans. In fact, it appears ANCI maintains absolutely no oversight of In-Home Care Aide activities. Consequently, ANCI is not fully complying with its legal obligation to ensure services are provided adequately, or even at all.

Moreover, as reflected in this investigation, ANCI does not appear to maintain adequate records as required under law to support the units of service for which ANCI requested reimbursement or to substantiate the amount and use of funds it received from the Illinois Department on Aging. ANCI has no documentation to support the service hours represented in the timesheets. Rather, the witnesses said the timesheets were inaccurate. The failure to maintain records is a violation of the Illinois Administrative Code and the Provider Agreement. Ms. Hawel failed to review timesheets and failed to ensure Ms. David provided services. Director Lilou signed the Provider Agreement, agreeing that ANCI would abide by the Illinois Department on Aging’s rules. As such, Director Lilou had a duty to ensure ANCI fulfilled its billing and reporting requirements. He failed to do either. The OEIG concludes that Ms. Hawel and Director Lilou, on behalf of ANCI, submitted to the Illinois Department on Aging unsubstantiated requests for reimbursement containing false statements, in violation of the Illinois Administrative Code and the Provider Agreement. Thus, the corresponding allegation is **FOUNDED**.

²³ Ill. Admin. Code tit. 89, § 240.1535(a)(1).

C. Alleged Fraud Committed by Stella David, and [the clients]

The complainant alleged that Ms. David and [the clients] defrauded the State by requesting payment for services Ms. David did not provide, and that [the clients] did not need. The Illinois Department on Aging's records reflect that Catholic Charities, not ANCI, determined [the clients] were eligible for and required services. Nevertheless, Ms. David's timesheets from ANCI and St. Margaret Mary overlap. Ms. David acknowledged that the times on her ANCI timesheet were inaccurate, but said that she worked for more hours than she requested payment. Although [the clients] never complained to ANCI or the Illinois Department on Aging that they were not receiving services, there is simply no way for the OEIG to confirm when or if Ms. David provided services, because her timesheets were inaccurate and ANCI failed to verify Ms. David's hours of service. Thus, the OEIG is not making a finding regarding the allegation that Ms. David and [the clients] intentionally defrauded the State by receiving payment for services that Ms. David did not provide.

V. CONCLUSIONS

Following due investigation, the OEIG issues these findings:

- **FOUNDED** – Stella David executed and submitted to ANCI multiple false ANCI timesheets certifying that she provided services as specified on her timesheets, which were later used to obtain funds from the State in violation of the Illinois Administrative Code and ANCI's Homemaker Agreement.
- **FOUNDED** - Amal Hamad executed and submitted to ANCI multiple false ANCI timesheets certifying that she provided services as specified on her timesheets, which were later used to obtain funds from the State in violation of the Illinois Administrative Code and ANCI's Homemaker Agreement.
- **FOUNDED** – Fiuna Hawel, on behalf of ANCI, submitted to the Illinois Department on Aging false requests for reimbursement, in violation of the Illinois Administrative Code and the Provider Agreement.
- **FOUNDED** – Director Isho Lilou, on behalf of ANCI, submitted to the Illinois Department on Aging false requests for reimbursement, in violation of the Illinois Administrative Code and the Provider Agreement.

The OEIG recommends that Illinois Department on Aging require ANCI to reimburse the State for funds received as a result of the submission of multiple false timesheets.²⁴

No further action is required and this matter is closed.

²⁴ Using the Illinois Department on Aging's Client Payment records, the OEIG calculated that the Illinois Department on Aging, between January 2008 and June 2010, paid ANCI \$17,909.00 for the care Ms. David provided to [client 2], and \$17,819.70 for the care Ms. David provided to [client 1], for a total of \$35,728.70. The Illinois Department on Aging already recovered the money it paid to ANCI for Ms. Hamad's care of [client 3] (approximately \$1,500).



Illinois Department on Aging

Michael Gelder, Acting Director
One Natural Resources Way, Suite 100, Springfield, Illinois 62702-1271
Phone: 217-785-3356, Fax: 217-785-4477, Web: www.state.il.us/aging

August 4, 2011

Sherry Bult
Office of Executive Inspector General
32 West Randolph Street, Suite 1900
Chicago, IL 60601

Re: OEIG No. 10-00259

Dear Ms. Bult:

Enclosed please find the Department on Aging's Response Form to OEIG Case No. 10-00259 – Final Report. If you need anything further, please don't hesitate to contact me at 217-785-3346.

Sincerely,

Gale S. Thetford
General Counsel

GST/cmdc
Enclosure

Respect for yesterday. Support for today. Hope for tomorrow.

The Illinois Department on Aging does not discriminate in admission to programs or treatment of employment in programs or activities in compliance with appropriate State and Federal statutes. If you feel you have been discriminated against, call the Senior HelpLine at 1-800-252-8966; 1-888-206-1327 (TTY).



OFFICE OF EXECUTIVE INSPECTOR GENERAL
for the Agencies of the Illinois Governor
Ricardo Meza, Executive Inspector General • www.inspectorgeneral.illinois.gov

OEIG RESPONSE FORM

Case Number: 10-00259

Due 20 Days after Receipt of Report

Please check the box that applies.

- ☒ We have implemented all of the OEIG recommendations:
(Provide details regarding action taken.)

We will be notifying Assyrian National Council of Illinois that
we will be recouping funds they received (\$35,728.70) as identified
in the OEIG Final Report.

- ☐ We are implementing the OEIG recommendations however, we seek to deviate as follows:

(Provide details regarding action planned / taken and proposed alternate(s).)

- ☐ We do not wish to implement any of the OEIG recommendations and seek to deviate as follows:

(Explain why and provide details of alternate plan.)

Signature

Department on Aging

General Counsel

Print Agency and Job Title

Gale S. Thetford

Print Name

August 4, 2011

Date

**Return to Sherry Bult, Office of Executive Inspector General, 32 W. Randolph St.
Chicago, Illinois 60601**